

REMARKS

Claims 1-6, 9-11 and 18 are pending in the application, claims 7 and 8 and 12-17 being canceled and claim 18 being newly added herein. Claims 12-17 are canceled without prejudice to the resubmission of those claims in one or more subsequently filed divisional applications. Claims 1 and 18 are the only independent claims.

Restriction Requirement

Claims 1-17 are subject to a Restriction Requirement. The Examiner has withdrawn claims 1-7 from consideration in this application. To expedite the prosecution of this application, applicants cancel the withdrawn claims herein with the intent of resubmitting those claims in one or more subsequently filed divisional applications.

Claims Rejections - 35 U.S.C. § 112

Claims 1-11 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner specifically maintains that the phrase “particularly for firearms” in claim 1 make that claim indefinite as to whether or not firearms must in fact be used to infringe the claims.

Claim 1 has been amended herein to eliminate the phrase “particularly for firearms, thereby overcoming the rejection of claim 1 under 35 U.S.C. § 112, second paragraph.

With reference to claims 5, 7, and 9, the Examiner points out that the word “it” is indefinite and that the term “said butt plate” in claim 5 lacks antecedent basis.

In response to this grounds for rejection, the word “it” has been eliminated from the claims. In addition, the term “said butt plate” has been deleted.

The Examiner also asserts that the term “high” in claim 3 and 5 is a relative term which renders the respective claims indefinite.

In response to the Examiner's assertion about the term "high" in claims 3 and 5, those claims have been amended to delete the term "high." Claim 5 has been more specifically amended to refer to the relative densities of the base and the rear member.

Claims Rejections - 35 U.S.C. §§ 102 and 103

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,551,937 to Seehase.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Seehase in view of U.S. Patent No. 6,305,115 to Cook.

Claims 1, 2, and 4-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Cook.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Cook in view of U.S. Patent No. 6,594,935 to Beretta.

Claims 1, 2, and 4-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by EP 1122507 A2 (Berretta).

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1122507 A2 (Berretta) in view of Cook.

The Examiner has indicated that claims 8-11 would be allowable if rewritten in independent form to include all of the limitations of the base claim (claim 1) and any intervening claims (claim 7).

Claim 1 Applicants have amended claim 1 herein to incorporate the limitations of claims 7 and 8, which have been canceled. Pursuant to the indication by the Examiner, claim 1 as so amended distinguishes over the prior art.

Claim 18 has the same scope and substantive limitations as claim 1. Ergo, claim 18 distinguishes over the prior art. Claim 18 has been provided with a different format and minor revisions for purpose of increasing readability.

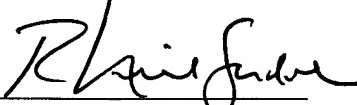
Conclusion

For the foregoing reasons, independent claims 1 and 18, as well as the claims dependent therefrom, are deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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